



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8698 OF 2021

**PRADIP LALCHAND LUNKAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr. Anand P. Bhandari, Advocate for the Petitioner.
Mr. S. K. Tambe, AGP for Respondent Nos.6 and 7.
Mr. M. V. Navandar, Advocate for Respondent Nos.4 and 5.
...

**CORAM : RAVINDRA V. GHUGE AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 16th FEBRUARY, 2024.

PER COURT:-

1. On 17.08.2021, we passed the following order:-

“1. The petitioner prays for release of his land bearing Gat No.858 in village Avhane, Taluka and District Jalgaon from reservation. The notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 was issued on 12.01.2015 and despite the same, no steps have been taken by the Municipal Corporation. The land was notified as reserved for garden and which is admeasuring 11090 square meters.

2. Issue notice to the respondents returnable on 21.09.2021. The learned AGP waives service of notice on behalf of respondent Nos.1 to 3, 6 and 7.”

2. Heard the learned Advocates for the respective parties.

3. The learned Advocate appearing on behalf of the Acquiring Body / Municipal Corporation, Jalgaon submits that there are certain internal disputes between the Petitioner and his

relatives. The Corporation had offered TDR to the Petitioner, which is accepted.

4. The issue raised by the Corporation is no longer *res integra* in the light of the Full Bench judgment of this Court in ***Shree Vinayak Builders & Developers Vs. The State of Maharashtra and Others, (2022) 4 Mh.L.J. 739 : (2022) DGLS (Bom.) 2061***, keeping in view the law down in ***Girnar Traders Vs. State of Maharashtra and Others, AIR (2007) SC 3180 : (2007) 7 SCC 555***. As such, offering TDR is not considered to be a step towards acquisition of the land which is under reservation.

5. In view of the above, **this Petition is allowed**. The Corporation shall forward the proposal to Respondent No.1 for releasing the land from reservation, within 30 days from today. Needless to state, Respondent No.1 shall thereafter issue the necessary Notification within a period of 90 days.

(S. G. CHAPALGAONKAR)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE